

MINUTES OF BOARD MEETING

June 14, 2018, 9:30 a.m. to 12:00 p.m.
California Regional Water Quality Control Board
Hi-Desert Water District
55439 29 Palms Hwy
Yucca Valley, CA 92284

Roll Call (Board members only) and Introductions

Nancy Wright, Buford Crites, Tom Davis, Hidali Garcia, Ed Muzik, and Jayne Powell were present. The Board Clerk stated that a quorum was present.

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board or Board) was called to order by Board Chair Nancy Wright at 9:30 a.m. on June 14, 2018 in Yucca Valley, California. Chair Wright thanked the Hi-Desert Water District for hosting the Board meeting.

State and Regional Board Staff Present:

Jose Angel, Katharine Buddingh, David Boyers, Mary Castañeda, Doug Wylie, Nadim Shukry-Zeywar, Joan Stormo, Adriana Godinez, Jose Cortez, Maria Davydova, Scot Stormo, and Terry Barnes.

Others Present

Helen Bermudez, Walmart
John Gay, Imperial County
Lillian Garcia, Member of the public
Emily Carranza, Member of the public
Bob Stadum, Hi-Desert Water District Board Member
Sarann Graham, Hi-Desert Water District Board Member
Roger Mayes, Hi-Desert Water District Board Member
Samantha Mena, Hi-Desert Water District
Andrew Frost, Atkins North America
Wil Gonzalez, Coachella Valley Water District
Miguel Hernandez, Komite Civico del Valle
Christian Torres, Komite Civico del Valle

Public Forum

Lillian Garcia thanked Jose Angel for his continued work on the New River Improvement Project and related environmental concerns, and for engaging with the National Border Patrol Union to address these concerns. Additionally, Ms. Garcia thanked Regional Water Board staff Jeff Geraci, Logan Raub, and Nadim Shukry-Zeywar for their promptness in providing information to the National Border Patrol Union and the Tiger Team in Washington DC.

1. Approval of Minutes

Minutes of April 12, 2018 Board Meeting & Salton Sea Workshop

Motion: Buford Crites moved, Jayne Powell seconded, and the motion was carried unanimously to adopt the minutes.

Motion: Buford Crites moved, Jayne Powell seconded, and the motion was carried to adopt the minutes. Tom Davis abstained.

Uncontested Items

2. Order R7-2018-0024 – Consideration of adoption of Resolution Supporting Imperial County's Efforts to Provide for Adequate Sewerage Services for Niland and Recommending Priority Funding for the Niland Wastewater Treatment Plant [*Jose L. Angel, P.E.*]

Mr. Angel presented the Resolution and explained that it would assist Imperial County in obtaining funding to finance improvements at Niland Wastewater Treatment Plant (WWTP), which would include the construction of evaporation ponds to eliminate the need for an NPDES permit. He also answered Board member questions about funding for the improvements, as well as the disposition of the nearly \$500,000 fine that the Board had assessed against the Niland Sanitary District, and his ongoing negotiations to ensure the fine will be paid.

John Gay, on behalf of Imperial County, spoke in support of the Resolution.

Motion: Buford Crites moved, Tom Davis seconded, and the motion was carried unanimously to adopt Order R7-2018-0024.

Action Items

3. Order R7-2018-0018 – Public Hearing to consider adoption of Resolution for Non-Regulatory Amendment to the Water Quality Control Plan for the Colorado River Basin Region to Make Administrative, Editorial Changes that Update Language and Graphics Related to the Salton Sea and Correct General Errors [*Maria Davydova, ESJ*]

Maria Davydova presented a report on the non-regulatory amendment to the Basin Plan, which updates the Salton Sea discussion as well as corrects general errors and outdated/obsolete information. She explained that the amendment largely addresses 2017 Triennial Review Items 13 and 14, and noted that the primary purpose of the amendment was to update the Salton Sea discussion in the Basin Plan, including to provide relevant background information, describe current conditions at the sea, incorporate updated maps, and include policy and regulatory developments occurring after 1992. Other editorial changes related to the Salton Sea included revised grammar and sentence structure, rearranged information for more logical placement, and updated verb tenses.

Ms. Davydova also explained that the amendment corrects general errors and removes outdated/obsolete information throughout the Basin Plan. Agency names were standardized or updated. Names of two watersheds were changed to be consistent with the CalWater map, which is used by California agencies for standard delineation and nomenclature for watersheds: Route Sixty-Six hydrologic unit, mislabeled as "Bristol hydrologic unit" in the Basin Plan, and Homer hydrologic unit, mislabeled as "Piute hydrologic unit" in the Basin Plan. Figure 4-1, which accompanied the Yucca Valley Prohibition in Chapter 4, was updated to match the current text of the Prohibition, which was revised in 2017. Other changes included standardized section heading format and numbering styles, revisions to the Foreword and Chapter 1, Sections I, II and III, an updated Table of Contents, minor typographical and editorial corrections, rotated text orientation in the column headers of the Beneficial Uses tables, and updated writing style and citation format for consistency with the California Style Manual (4th edition).

Ms. Davydova answered Board member questions about the differences between Watersheds and Hydrologic Units, and she clarified that correcting the names of Hydrologic Units does not change their beneficial uses. She also answered questions relating to the Selenium advisory for the Salton Sea.

Ms. Davydova further explained that the Errata sheet contained changes proposed in response to those public comments that were not already reflected in the draft amendment.

Mr. Crites expressed concern that stakeholders in Needles may not regularly read the Coachella Valley newspapers in which the Notice of Public hearing was published, and he suggested that, in future, staff also provide notice via local newspapers for the Needles area.

Mr. Davis requested that a reference to Figure 1-1 be included at the end of Chapter 1, Section VI.F, which staff agreed to add to the Errata.

Motion: Jayne Powell moved, Hidali Garcia seconded, and the motion was carried unanimously to adopt Order R7-2018-0018 with Errata.

4. Order R7-2018-0019 – Public Hearing to consider adoption of Stipulation of Entry of Cease and Desist Order against Walmart Store 1915-D4 Wastewater Treatment Plant, Yucca Valley, San Bernardino County [*Adriana Godinez, WRCE*]

Adriana Godinez presented the Prosecution Team's report to support the proposed Stipulation for Entry of Cease and Desist Order. She provided the Board with an overview of the facility and regulatory background and explained the effluent violations for Biochemical Oxygen Demand (BOD), Total Dissolved Solids (TDS), Total Suspended Solids (TSS), and Total Nitrogen. Ms. Godinez stated that the Discharger also violated Special Provisions E.9 of the Waste Discharge Requirements (WDRs) for the Facility by failing to meet the deadline for the installation of the disinfection system, leading to violations of effluent limits for Total Coliform Organisms. She noted that the Proposed CDO would require the Discharger to cease and desist discharging waste in violation of the WDRs. The two alternatives in the Proposed CDO would require the Discharger either (1) to implement a corrective action in accordance with key tasks and milestones or (2) abandon its existing discharge and connect to the Hi-Desert Water District's centralized sewage collection system, once available. She also answered Board members' questions about the impact that the proposed CDO could have on the Panda Express and Taco Bell restaurants serviced by Walmart's wastewater treatment plant, and questions about the various deadlines in the proposed CDO.

Board members also asked about potential civil liability against Walmart for violating its WDRs, and a discussion ensued between the members of the Advisory and Prosecution Teams. David Boyers clarified that because the WDRs involved discharge to land, and pursuant to provisions of the Water Code, the Board would have to demonstrate that there was an actual discharge to groundwater in violation of WDRs to pursue liability.

Ms. Helen Bermudez, on behalf of Walmart, made apologies to the Board for the noncompliance and supported the adoption of the CDO.

Mr. Angel stated that unfortunately staff did not catch the violations earlier and thus could not use progressive enforcement to deal with those violations. He accepted responsibility for this shortcoming and recommended that the Board adopt the CDO.

Motion: Hidali Garcia moved, Tom Davis seconded, and a motion was carried to adopt Order R7-2018-0019 with Errata. Ed Muzik abstained.

Member Muzik-Abstained, Vice-Chair Crites-Yes, Member Powell-Yes, Member Garcia-Yes, Member Davis-Yes, Chair Wright-Yes. Approved by vote 5-0-1.

Informational Items

5. **Comite de Civico del Valle (IVAN Update)**

Christian Torres of Comite de Civico del Valle (CCDV) provided an update on Identifying Violations Affecting Neighborhoods (IVAN). He added that CCDV is launching several air quality monitoring stations to track air pollution from Salton Sea and other sources.

6. **State Water Resources Control Board Activities Update** *[Katharine Buddingh]*

Ms. Buddingh reported that the State Water Board is working on updating various general permits.

7. **Colorado River Basin Water Board Executive Officer's Report** *[Jose L. Angel, P.E.]*

Mr. Angel reported on the upcoming community meeting in Calexico to provide an update on the New River Improvement Project Strategic Plan's recommended infrastructure for the New River in Calexico, including updates on the status of the \$1.4 million contract with Michael Becker International, Proposition 68 funding for the infrastructure, and the status of the New River Parkway. He also reported that he would be attending a meeting with Imperial County staff to discuss the Niland WWTP and the Regional Water Board's fine against Niland Sanitary District.

8. **Colorado River Basin Water Board Member Comments**

Mr. Muzik thanked Hi-Desert Water District (HDWD) Board members Sarann Graham, Bob Stadum, and Roger Mayes for attending the Board meeting. Mr. Crites reported that he attended Mojave Water Agency's Technical Committee meeting in Apple Valley. Mr. Muzik asked about enforcing against certain entities delinquent in WDRs fee payments. Mr. Angel responded that the Regional Water Board (i.e., its Prosecution Team) can and should deal with these entities.

9. **Colorado River Basin Water Board Chair's Report**

Board Chair Wright reported that discussion topics at the upcoming Water Quality Coordinating Committee (WQCC) meeting in October would include homelessness and the Cannabis Program. She also reported that there is a new U.S. International Boundary & Water Commission (IBWC) Commissioner, and she also mentioned about the need for all Board members to complete the State Water Board's Security Awareness Training. Due to scheduling conflicts, the Board changed the next Workshop date from July 12, 2018 to July 9, 2018 to include a closed session.

10. **Hi-Desert Water District Sewer and Wastewater Reclamation Facility Project Progress Report**
[Samantha Mena, HDWD, AA III, Jose L. Angel, P.E., Executive Officer]

Samantha Mena of HDWD and Andrew Frost of Atkins North America provided an update on the construction of HDWD's new wastewater reclamation facility and sewer collection system, which is being constructed in response to the Regional Water Board's three-phased septic tank prohibition in the Town of Yucca Valley and its surrounding areas.

Phase I consists of the implementation of the wastewater reclamation facility and four (4) sewer collection packages, including approximately 75 miles of sewer pipeline and three (3) sewer lift stations. Package A, involving installation of sewer pipeline and appurtenances, is complete, and HDWD anticipates administrative close-out of that package in Q3 2018. The other packages are either substantially complete or expected to start soon. HDWD expects to begin clean water testing in Q2 2019, with private property connections and start up beginning in Q3 2019.

Phases II and III are currently undergoing preliminary design, which is expected to be completed in Q3 2018 and used to form an Assessment District to secure funding via a loan from the Clean Water State Revolving Fund.

Ms. Mena answered Board member questions about how the assessment works for empty parcels.

11. Closed Session

There was no closed session held.

Adjournment of Board Meeting

The meeting was adjourned at 12:00 p.m., and the Board then proceeded to the mini tour of the site where HDWD is building its wastewater reclamation facility. The tour was completed at approximately 1:00 p.m.